

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TU TUAN NGUYEN,)
)
 Plaintiff,)
)
 v.) 1:16CV202
)
 STATE OF NORTH CAROLINA, et al.,)
)
 Defendants.)

ORDER

On July 11, 2016, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff Nguyen filed objections (Doc. 11) within the time limit prescribed by Section 636.

The court has reviewed Plaintiff's objections *de novo* and finds that they do not change the substance of the United States Magistrate Judge's Recommendation (Doc. 9), which is affirmed and adopted. To the extent that Plaintiff requests a stay, there is no basis to stay the case while his action under 28 U.S.C. § 2255 is proceeding.

IT IS THEREFORE ORDERED that this action is DISMISSED without prejudice to Plaintiff filing a new complaint, on the proper forms, which corrects the defects cited in the Recommendation of the United States Magistrate Judge.

/s/ Thomas D. Schroeder
United States District Judge

August 4, 2016